

Prob12B  
D/NV Form  
Rev. June 2014

United States District Court  
for  
the District of Nevada

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**REQUEST FOR MODIFICATION  
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**  
*Probation Form 49 (Waiver of Hearing) is Attached*  
**May 2, 2023**

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Name of Offender: **Jason Theus Cunningham**

Case Number: **2:09CR00360**

Name of Sentencing Judicial Officer: **Honorable James C. Mahan**

Date of Original Sentence: **February 2, 2010**

Original Offense: **Armed Bank Robbery**

Original Sentence: **125 Months prison, followed by 60 Months TSR.**

Date Supervision Commenced: **September 12, 2018**

Name of Assigned Judicial Officer: **Honorable James C. Mahan**

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**PETITIONING THE COURT**

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☒ To modify the conditions of supervision as follows:

1. **Home Confinement with Location Monitoring** – You will be monitored by the form of location monitoring technology indicated below for a period of 90 days, and you must follow the rules and regulations of the location monitoring program.

☒ Location monitoring technology at the discretion of the probation officer.

This form of location monitoring technology will be used to monitor the following restriction on your movement in the community (choose one):

☒ You are restricted to your residence every day from 8:00 P.M. to 5:00 A.M., or as directed by the probation officer.

**RE: Jason Theus Cunningham**

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**CAUSE**

On April 28, 2023, the undersigned received a call from a trooper with the Illinois State Police advising they just cited Cunningham for driving a trailer that was overweight. They further stated he was driving a tractor trailer and had pulled into their weigh station for inspection. The undersigned asked for a copy of the citation, which they provided, and it showed Cunningham's name and address. The undersigned also asked the trooper to describe Cunningham and the description he gave matched Cunningham exactly.


The undersigned spoke with Cunningham later that same day and asked him about his current location and he stated he was currently in California driving a load and would be back in Nevada later. The undersigned shared with Cunningham the information provided by the Illinois State Police and he initially stated it was his brother but then later admitted it was him and that he was currently hauling a load to Illinois. The undersigned directed Cunningham to report to the probation office on Monday so this violation could be addressed.

During the meeting at the probation office, Cunningham admitted driving his brother's truck to Illinois without the permission of probation. He also admitted he purposely tried to mislead the undersigned regarding his whereabouts. By way of history, Cunningham was sanctioned last year by the Court for traveling out of state without the undersigned's permission.

Given the facts that Cunningham did report as directed by the undersigned and that he expires from supervision this coming September, the undersigned is requesting that he be sanctioned once again in the form of curfew with location monitoring for a longer period this time of 90 days. The undersigned has also restricted Cunningham to the state of Nevada for any work he may find between now and his expiration date and warned that any reports of him being out state without the undersigned's permission will result in the undersigned seeking revocation.

The undersigned respectfully requests that Cunningham's conditions be modified to include curfew for a period of 90 days. Cunningham is in agreement with this modification as evidenced by his signature on the attached probation form 49.

Respectfully submitted,

  
Digitally signed by  
Cecil B McCarroll III  
Date: 2023.05.03  
10:01:37 -07'00'

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Cecil McCarroll  
United States Probation Officer

**RE: Jason Theus Cunningham**

Prob12B  
D/NV Form  
Rev. June 2014  
Approved:



Digitally signed by Brian  
Blevin  
Date: 2023.05.02 16:46:00  
-07'00'

Brian Blevins  
Supervisory United States Probation Officer

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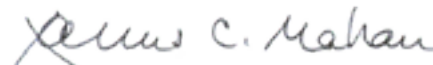
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***THE COURT ORDERS***

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- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):

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Signature of Judicial Officer

May 4, 2023

Date

PROB 49  
(3/89)

## UNITED STATES DISTRICT COURT

### District of Nevada

#### Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. **Home Confinement with Location Monitoring** – You will be monitored by the form of location monitoring technology indicated below for a period of 90 days, and you must follow the rules and regulations of the location monitoring program.

☒ Location monitoring technology at the discretion of the probation officer.

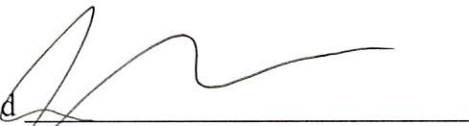
This form of location monitoring technology will be used to monitor the following restriction on your movement in the community (choose one):

☒ You are restricted to your residence every day from 8:00 P.M. to 5:00 A.M., or as directed by the probation officer.

Witness

  
U.S. Probation Officer

Signed

  
Probationer or Supervised Releasee

Date

5/1/2023